



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

JAN 15 2004

REPLY TO THE ATTENTION OF

(AE-17J)

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Joseph E. Simon, Director
Lake County Environmental, Health & Safety
Abbott Laboratories
1401 Sheridan Road
North Chicago, Illinois 60064

Re: Finding of Violation
Abbott Laboratories
North Chicago, Illinois & Abbott Park, Illinois
facilities

Dear Mr. Simon:

The United States Environmental Protection Agency (U.S. EPA) is issuing the enclosed Finding of Violation (FOV) to Abbott Laboratories (you). We find that you have violated Section 608 of the Clean Air Act (Act), 42 U.S.C. § 7471g, at your North Chicago, Illinois and Abbott Park, Illinois facilities.

We have several enforcement options under Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action. The options we select may depend on, among other things, the length of time you take to achieve and demonstrate continuous compliance with the rules cited in the FOV.

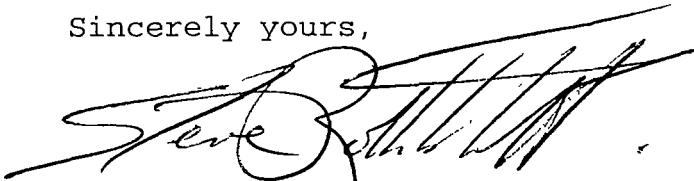
We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

In addition, we are offering Abbott the opportunity to discuss its other facilities that may have similar violations and the possibility of a global settlement without resorting to traditional enforcement and requiring the additional expenditure of resources by Abbott or U.S. EPA.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The U.S. EPA contact in this matter is Raymond Cullen. You may call him at (312) 886-0538 to request a conference. You should make the request as soon as possible, but no later than 10 calendar days after you receive this letter. We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely yours,



Stephen Rothblatt, Director
Air and Radiation Division

Enclosure

cc: Julie Armitage, Section Manager
Compliance and Systems Management Section
Illinois Environmental Protection Agency
P.O. Box 19506
Springfield, Illinois 62794-9506

Emilio Salis, Regional Manager
Region 1
Illinois Environmental Protection Agency
9511 West Harrison Street
Des Plaines, Illinois 60016

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)	
)	
Abbott Laboratories)	FINDING OF VIOLATION
North Chicago, Illinois,)	
Abbott Park Illinois)	EPA-5-04-IL-09
)	
)	
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 <u>et seq.</u>)	

FINDING OF VIOLATION

The United States Environmental Protection Agency finds that Abbott Laboratories (Abbott) has violated Section 608 of the Clean Air Act, 42 U.S.C. § 7471g. Specifically, Abbott has violated the Leak Repair Provisions for the Protection of Stratospheric Ozone at 40 C.F.R. Part 82, Subpart F, Recycling and Emissions Reduction (Stratospheric Ozone Standards), as follows:

Regulatory Authority

1. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(2), require that the owners or operators of industrial process refrigeration equipment normally containing more than 50 pounds of refrigerant must have leaks repaired if the appliance is leaking at a rate such that the loss of refrigerant will exceed 35 percent of the total charge during a 12-month period. Repairs must reduce annual leak rates to below 35 percent during a 12-month period.
2. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(9), require that the owners or operators of industrial process refrigeration equipment must repair leaks pursuant to 40 C.F.R. § 82.156(i)(2) within 30 days after discovery of the leak.
3. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(3), require that the owners or operators of industrial process refrigeration equipment conduct an initial verification test at the conclusion of the repair efforts.

4. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(3), require that the owners or operators of industrial process refrigeration equipment conduct a follow-up verification test within 30 days after the initial verification test.
5. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(6), provide that the owners or operators of industrial process refrigeration equipment or comfort cooling refrigeration equipment are not required to repair a leak if within 30 days of discovering the exceedance of the applicable leak rate or within 30 days of a failed follow-up verification test, they develop a retrofit or retirement plan for the leaking appliance. The plan must be kept at the site of the appliance, and all work under the plan must be completed within one-year of the plan's date.
6. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(3)(ii), require that the owners or operators of industrial process refrigeration equipment must retrofit or replace the equipment within one year of the follow-up verification test if the test showed that the repairs had not been successful.
7. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(3)(iii), require that the owners or operators of industrial process refrigeration equipment that fails a follow-up verification test must notify U.S. EPA within 30 days of the failed follow-up verification test.
8. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(5), require that the owners or operators of comfort cooling refrigeration equipment normally containing more than 50 pounds of refrigerant must have leaks repaired if the appliance is leaking at a rate such that the loss of refrigerant will exceed 15 percent of the total charge during a 12-month period. Repairs must reduce annual leak rates to below 15 percent during a 12-month period.
9. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(9), require that the owners or operators of comfort cooling refrigeration equipment must repair leaks pursuant to 40 C.F.R. § 82.156(i)(5) within 30 days after discovery of the leak.

Factual Background

10. Abbott owns and operates health care products manufacturing plants at 1401 Sheridan Road, North Chicago, Illinois (North Chicago facility) and 100 Abbott Park Road, Abbott Park, Illinois (Abbott Park facility).
11. The North Chicago facility contains 57 industrial process refrigeration units with a normal charge greater than 50 pounds, including Chiller C2A (B2097), M3B Basement Chiller (KK3674), Vilter West Chiller (B1517), Vilter Chiller (KK6875), and FES Chiller (LC918095).
12. The five industrial process refrigeration units referenced above at the North Chicago facility use the class II refrigerant HCFC-22, or R-22.
13. The five industrial process refrigeration units at the North Chicago facility experienced leaks between January 1, 1999 and March 29, 2002 that resulted in an annual leak rate of each unit exceeding 35 percent.
14. On the following dates, Abbott performed repairs on the five industrial process refrigeration units at the North Chicago facility but failed to reduce the leak rate of each unit below 35 percent:
 - i. Chiller C2A (B2097)
 - a. 08/06/99
 - b. 09/17/99
 - c. 01/03/00
 - d. 08/14/00
 - e. 09/18/00
 - ii. M3B Basement Chiller (KK3674)
 - a. 01/29/00
 - iii. Vilter West Chiller (B1517)
 - a. 07/22/00
 - iv. Vilter Chiller (KK6875)
 - a. 07/19/99
 - b. 10/04/99
 - c. 07/13/01
 - v. FES Chiller (LC918095)
 - a. 11/02/00

15. On the following dates, Abbott did not perform initial verification tests to verify that the repairs had reduced the leak rate of each of the five industrial process refrigeration units at the North Chicago facility below 35 percent:

- i. Chiller C2A (B2097)
 - a. 08/06/99
 - b. 09/17/99
 - c. 01/03/00
 - d. 08/14/00
 - e. 09/18/00
- ii. M3B Basement Chiller (KK3674)
 - a. 01/29/00
- iii. Vilter West Chiller (B1517)
 - a. 07/22/00
- iv. Vilter Chiller (KK6875)
 - a. 07/19/99
 - b. 10/04/99
 - c. 07/13/01
- v. FES Chiller (LC918095)
 - a. 11/02/00

16. Abbott did not perform follow-up verification tests by the following dates to verify that the repairs had reduced the leak rate of each of the five industrial process refrigeration units at the North Chicago facility below 35 percent:

- i. Chiller C2A (B2097)
 - a. 09/05/99
 - b. 10/17/99
 - c. 02/02/00
 - d. 09/13/00
 - e. 10/18/00
- ii. M3B Basement Chiller (KK3674)
 - a. 02/28/00
- iii. Vilter West Chiller (B1517)
 - a. 08/22/00
- iv. Vilter Chiller (KK6875)
 - a. 08/19/99

- b. 11/03/99
- c. 08/13/01
- v. FES Chiller (LC918095)
 - a. 12/02/00

17. When repairs performed on the following dates failed to reduce the leak rate of each unit below 35 percent, Abbott did not develop retrofit or retirement plans for the five industrial process refrigeration units at the North Chicago facility:

- i. Chiller C2A (B2097)
 - a. 08/06/99
 - b. 09/17/99
 - c. 01/03/00
 - d. 08/14/00
 - e. 09/18/00
- ii. M3B Basement Chiller (KK3674)
 - a. 01/29/00
- iii. Vilter West Chiller (B1517)
 - a. 07/22/00
- iv. Vilter Chiller (KK6875)
 - a. 07/19/99
 - b. 10/04/99
 - c. 07/13/01
- v. FES Chiller (LC918095)
 - a. 11/02/00

18. When repairs performed on the following dates failed to reduce the leak rate of each unit below 35 percent, Abbott did not retrofit or retire the five industrial process refrigeration units at the North Chicago facility:

- i. Chiller C2A (B2097)
 - a. 08/06/99
 - b. 09/17/99
 - c. 01/03/00
 - d. 08/14/00
 - e. 09/18/00
- ii. M3B Basement Chiller (KK3674)
 - a. 01/29/00

- iii. Vilter West Chiller (B1517)
 - a. 07/22/00
 - iv. Vilter Chiller (KK6875)
 - a. 07/19/99
 - b. 10/04/99
 - c. 07/13/01
 - v. FES Chiller (LC918095)
 - a. 11/02/00
19. Abbott did not notify the U.S. EPA after repairs performed on the following dates on the five industrial process refrigeration units at the North Chicago facility failed to reduce the leak rate of each unit below 35 percent:
- i. Chiller C2A (B2097)
 - a. 08/06/99
 - b. 09/17/99
 - c. 01/03/00
 - d. 08/14/00
 - e. 09/18/00
 - ii. M3B Basement Chiller (KK3674)
 - a. 01/29/00
 - iii. Vilter West Chiller (B1517)
 - a. 07/22/00
 - iv. Vilter Chiller (KK6875)
 - a. 07/19/99
 - b. 10/04/99
 - c. 07/13/01
 - v. FES Chiller (LC918095)
 - a. 11/02/00
20. The North Chicago facility contains 3 comfort cooling refrigeration units with a normal charge greater than 50 pounds, including York Chiller (LC958598).
21. York Chiller (LC958598) at the North Chicago facility uses the class II refrigerant HCFC-22, or R-22.
22. York Chiller (LC958598) at the North Chicago facility experienced leaks between January 1, 1999 and March 29, 2002 that resulted in an annual leak rate exceeding 15 percent.

23. Abbott performed repairs on York Chiller (LC958598) at the North Chicago facility on 07/10/01 but failed to reduce the leak rate below 15 percent.
24. Abbott did not develop a retrofit or retirement plan for York Chiller (LC958598) at the North Chicago facility when repairs performed on 07/10/01 failed to reduce the leak rate below 15 percent.
25. Abbott Laboratories did not retrofit or retire York Chiller (LC958598) at the North Chicago facility when repairs performed on 07/10/01 failed to reduce the leak rate below 15 percent.
26. The Abbott Park facility contains 49 refrigeration units with a normal charge greater than 50 pounds. This includes #14 Chiller (MRP970626), a comfort cooling refrigeration unit.
27. #14 Chiller (MRP970626) at the Abbott Park facility uses the class II refrigerant HCFC-22, or R-22.
28. #14 Chiller (MRP970626) at the Abbott Park facility experienced leaks between January 1, 1999 and March 29, 2002 that resulted in an annual leak rate exceeding 15 percent.
29. On the following dates, Abbott performed repairs on the #14 Chiller (MRP970626) at the Abbott Park facility but failed to reduce the leak rate below 15 percent:
 - a. 04/09/01
 - b. 06/08/01
 - c. 08/01/01
30. Abbott did not develop a retrofit or retirement plan for #14 Chiller (MRP970626) at the Abbott Park facility when repairs performed on 04/09/01 failed to reduce the leak rate below 15 percent.
31. Abbott did not retrofit or retire #14 Chiller (MRP970626) at the Abbott Park facility when repairs performed on 04/09/01 failed to reduce the leak rate below 15 percent.

Violations


32. Abbott is in violation of 40 C.F.R. § 82.156(i)(2) and Section 608 of the Act, 42 U.S.C. § 7471g, for failing to

repair Chiller C2A (B2097), M3B Basement Chiller (KK3674), Vilter West Chiller (B1517), Vilter Chiller (KK6875), and FES Chiller (LC918095) at the North Chicago facility such that the annual leak rate of each appliance is reduced below 35 percent.

33. Abbott is in violation of 40 C.F.R. § 82.156(i)(3) and Section 608 of the Act, 42 U.S.C. § 7471g, for failing to conduct initial verification tests at the conclusion of the repair efforts on Chiller C2A (B2097), M3B Basement Chiller (KK3674), Vilter West Chiller (B1517), Vilter Chiller (KK6875), and FES Chiller (LC918095) at the North Chicago facility.
34. Abbott is in violation of 40 C.F.R. § 82.156(i)(3) and Section 608 of the Act, 42 U.S.C. § 7471g, for failing to conduct follow-up verification tests on Chiller C2A (B2097), M3B Basement Chiller (KK3674), Vilter West Chiller (B1517), Vilter Chiller (KK6875), and FES Chiller (LC918095) at the North Chicago facility.
35. Abbott is in violation of 40 C.F.R. § 82.156(i)(6) and Section 608 of the Act, 42 U.S.C. § 7471g, for failing to develop one-year retrofit or retirement plans for Chiller C2A (B2097), M3B Basement Chiller (KK3674), Vilter West Chiller (B1517), Vilter Chiller (KK6875), and FES Chiller (LC918095) at the North Chicago facility.
36. Abbott is in violation of 40 C.F.R. § 82.156(i)(3)(ii) and Section 608 of the Act, 42 U.S.C. § 7471g, for failing to retrofit or retire Chiller C2A (B2097), M3B Basement Chiller (KK3674), Vilter West Chiller (B1517), Vilter Chiller (KK6875), and FES Chiller (LC918095) at the North Chicago facility.
37. Abbott is in violation of 40 C.F.R. § 82.156(i)(3)(iii) and Section 608 of the Act, 42 U.S.C. § 7471g, for failing to notify the U.S. EPA of failed follow-up verification tests on Chiller C2A (B2097), M3B Basement Chiller (KK3674), Vilter West Chiller (B1517), Vilter Chiller (KK6875), and FES Chiller (LC918095) at the North Chicago facility.
38. Abbott is in violation of 40 C.F.R. § 82.156(i)(5) and Section 608 of the Act, 42 U.S.C. § 7471g, for failing to repair York Chiller (LC958598) at the North Chicago facility and #14 Chiller (MRP970626) at the Abbott Park facility such that the annual leak of each appliance is reduced below 15 percent.

39. Abbott is in violation of 40 C.F.R. § 82.156(i)(6) and Section 608 of the Act, 42 U.S.C. § 7471g, for failing to develop one-year retrofit or retirement plans for York Chiller (LC958598) at the North Chicago facility and #14 Chiller (MRP970626) at the Abbott Park facility.
40. Abbott is in violation of 40 C.F.R. § 82.156(i)(6) and Section 608 of the Act, 42 U.S.C. § 7471g, for failing to retrofit or retire York Chiller (LC958598) at the North Chicago facility and #14 Chiller (MRP970626) at the Abbott Park facility.

1/15/2004
Date



Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent a Finding of Violation, No. EPA-5-04-IL-09, by Certified Mail, Return Receipt Requested, to:

Joseph E. Simon, Director
Lake County Environmental, Health & Safety
Abbott Laboratories
1401 Sheridan Road
North Chicago, Illinois 60064

I also certify that I sent copies of the Finding of Violation by first class mail to:

Julie Armitage, Section Manager
Compliance and Systems Management Section
Illinois Environmental Protection Agency
P.O. Box 19506
Springfield, Illinois 62794-9506

Harish Narayan, Acting Regional Manager
Region 1
Illinois Environmental Protection Agency
9511 West Harrison Street
Des Plaines, Illinois 60016

on the 20th day of January, 2004.

Shanee Rucker
Shanee Rucker,
Administrative Program Assistant
AECAS, (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0296 0671